

The Capitol Report

-Phil Lockwood

The 80th session of the Texas Legislature ended on May 28. What did lawmakers do in this legislative session that will affect EMS and trauma systems? Below is a synopsis of bills that were passed this session and sent to the governor for signature. For a better understanding of each bill, go to www.capitol.state.tx.us and enter the bill number. Click on "Text" and "Enrolled Version."

HB 92, Branch This bill amends the original AED law adopted by the 76th Legislature, 1999. It clarifies that the original statute applies only to defibrillators not approved for over-the-counter sale. The Food and Drug Administration approved over-the-counter sale of AEDs (available for purchase without a prescription) in September of 2004. [Amends the AED law, Health and Safety Code, §779.007.] Effective September 1, 2007.

HB 495, Bonnen Adds emergency services personnel to the list of enhanced penalties enforced for the assault of public servants while performing their official duties. [Amends §22.01, Penal Code.] Effective September 1, 2007.

HB 618, Bonnen The Homes for Texas Heroes program was established to honor certain professionals who serve the public. HB 618 ensured that EMS personnel are included among those who are eligible to participate in low-interest home loans. [Amends Government Code, §2306.553.] Effective September 1, 2007.

HB 1212, Pierson The penalties were increased for intoxication assault and intoxication manslaughter involving the bodily injury or death of peace officers, firefighters or emergency medical services personnel. This legislation amends Penal Code, §49.09, and increases the penalty for causing the public servant's injury from a third to a second-degree felony and the penalty for causing death

from a second to a first-degree felony. Effective September 1, 2007.

HB 1412, McReynolds The Emergency Medical Dispatch law, Health and Safety Code, §771.102, was amended to refer to emergency medical dispatch centers instead of pilot programs. Effective September 1, 2007.

HB 1623, Phillips Directs revenue from certain traffic penalties to the credit of the regional trauma account established under Health and Safety Code, §782.002. The legislation directs the monies from the regional trauma account to fund uncompensated care of designated trauma facilities and county and regional EMS located in the area served. At this time, there is no rider in the appropriation bill to appropriate funding for this program. Effective September 1, 2007.

HB 2117, Parker A non-liability clause for those who administer emergency care as a volunteer first responder (as defined in Government Code §421.095) was added through the amendment of Civil Practice and Remedies Code, §74.151. Effective September 1, 2007.

HB 2827, Taylor, Gonzales, Truitt, McReynolds EMS providers or first responder organizations may acquire, possess, maintain and dispose of epinephrine auto-injector devices (EpiPens), and the department is directed by this bill to develop rules to require EpiPens (or a similar device to treat anaphylaxis) as part of the minimal standards for provider licensing. With proper training, all levels of the entities' EMS personnel may be authorized to carry the device and administer the medication, unless restricted by their medical director. Amends Health and Safety Code, §773.014. Effective September 1, 2007.

HB 3407, Hamilton HB 3407 amends Health and Safety Code, by adding §776.0345. The new section further defines the appointment of

emergency service boards in districts located in more than one county. Effective September 1, 2007.

SB 10, Nelson, Brimer, Carona, Deuell, Eltife, Fraser, Harris, Janek, Shapiro All ground transport of patients by stretcher will now require licensure. SB 10 amended Health and Safety Code §773.004 and §773.041 to remove exemption language for physician-directed transfers and calls for the department to adopt rules by May of 2008.

In addition, several riders will affect EMS and trauma systems. A rider is a provision added to a bill, in this case the Appropriations Act, that may or may not relate to the subject of the bill.

ECA Training From the appropriated funds, the department is directed to allocate \$50,000 in 2008 and \$50,000 in 2009 for ECA training grants to communities lacking local training resources. [HB 1, General Appropriations Bill, Rider 53]

Stroke Survival System To the extent funds are available, DSHS shall allocate up to \$750,000 in General Revenue for fiscal year 2008 and \$750,000 in General Revenue for fiscal year 2009 for the purpose of stroke recognition and treatment training, stroke prevention and community education, and stroke facilities. [HB 1, General Appropriations Bill, Rider 80]

Estimated Appropriation for Designated Trauma Facility and EMS Account This account benefits hospitals, EMS and RACs. DSHS was appropriated, to distribute, \$51,762,132 for both 2008 and 2009. In addition, DSHS was appropriated any additional revenues generated in the account above \$98,445,000 in fiscal year 2008 and above \$98,834,000 in fiscal year 2009, for the purpose of trauma facility and EMS activities. The appropriation is contingent upon acknowledgement of additional revenue by the Comptroller of Public Accounts and approval by the Legislative Budget Board and the Governor. ●